



## **CODE OF CONDUCT FOR BOARD, COMMITTEE & COMMISSION MEMBERS POLICY**

Applicability: All CVRD Board, Committee and Commission Members  
Effective Date: June 14, 2023

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### **PREAMBLE**

Board, Committee and Commission Members are keepers of the public trust and must uphold the highest standards of behaviour in order to build and inspire the public's trust and confidence in local government.

It is each Board, Committee and Commission Members' individual responsibility to uphold both the letter and the spirit of this Code of Conduct for Board, Committee and Commission Members Policy in their dealings with other Board, Committee and Commission Members, staff and the public.

Board, Committee and Commission Members are expected to:

- make decisions considering the well-being and best interests of the region, as well as the communities and electoral areas they represent;
- act lawfully and within the authorities of the *B.C Local Government Act*, *B.C. Community Charter* and other applicable enactments;
- be free from undue influence and not act to gain financial or other benefits for themselves, family, friends or business interests;
- conduct themselves in a transparent, efficient, accountable and respectful fashion;
- attend and participate in annual Code of Conduct for Board, Committee and Commission Member policy training;
- prior to submitting a complaint, make reasonable attempts to first resolve issues early on and directly among willing parties through respectful and open dialogue to address their underlying causes;
- conduct their business with integrity, accountability, respect, leadership and collaboration and,
- demonstrate leadership in proper, and professional behaviour and promote principles of transparency, accountability and civility through their decisions, actions and behaviour.

## 1. PURPOSE AND INTERPRETATION:

- 1.1.1. The Cowichan Valley Regional District (CVRD) Code of Conduct for Board, Committee and Commission Members details the shared expectations for responsible conduct as determined by the CVRD Board for the 2022-2026 term.
- 1.1.2. Responsible conduct is grounded in conducting oneself with integrity, accountability, respect, leadership and collaboration in a way that furthers the Board's ability to provide good governance to the region. Outcomes of responsible conduct include transparency, effective and efficient decision-making and a safe and welcoming environment for everyone.
- 1.1.3. This Policy sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials and the powers and procedures of the Commissioner in exercising oversight over Members.
- 1.1.4. The provisions of this Policy are to be interpreted broadly and in a manner that is consistent with the *British Columbia Local Government Act and British Columbia Community Charter*.
- 1.1.5. For clarity, the provisions of this Policy that reference Committee Members only are intended to apply also to Board Members.

## 1.2. Definitions

For the purposes of this policy:

- 1.2.1. **CAO** means the Chief Administrative Officer for the Cowichan Valley Regional District (CVRD).
- 1.2.2. **Bully and Harass** includes, without limitation, any unwelcome or objectionable conduct, body language, or comment by a member of the Board or a Committee or Commission Member that causes that individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of a Committee Member, Volunteer, Officer, or Staff, calling someone derogatory names, hazing or intimidation practices, vandalizing personal belongings or spreading malicious and untrue rumours.
- 1.2.3. **Committee Member** Means a person appointed to a committee, sub-committee, task force, commission, board, or other Board-established body under the *B.C. Local Government Act* and/or *B.C. Community Charter*.
- 1.2.4. **Complaint** means a formal allegation that an Board, Committee and Commission Member has breached this policy in accordance with the complaint procedure set out in Part 4 of this Policy.
- 1.2.5. **Complainant** Means a person who has submitted a complaint under Part 4 of this Policy.

- 1.2.6. **Confidential Information** means information or records held in confidence by the CVRD, including to which Section 117 of the *B.C. Community Charter*. For clarity, this includes all information and records from closed meetings of the Board until publicly released.
- 1.2.7. **Conflict of Interest** Refers to pecuniary and non-pecuniary conflicts of interest governed by the *B.C. Community Charter* and the common law.
- 1.2.8. **Board Member** means the Board Chair, Directors and alternate Directors for the Cowichan Valley Regional District (CVRD).
- 1.2.9. **Commissioner** means the person appointed as the Integrity Commissioner by the Board to fulfill duties and responsibilities assigned to that position as set out in this Policy or an *ad hoc* Commissioner appointed by the CAO to administer this Policy in respect to an individual complaint.
- 1.2.10. **Gifts and Personal Benefits** means an item or service of value that is received by the Board and Committee Members for personal use. This would include, but is not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment and admission fees to social functions.
- 1.2.11. **Member** means a member of the Board or a Committee Member.
- 1.2.12. **District Officer** means a member of Staff designated as an officer under Division 8 of the *B.C. Local Government Act*.
- 1.2.13. **Personal Information** is as defined in the *Freedom of Information & Protection of Privacy Act*.
- 1.2.14. **Respondent** means a Board or Committee Member whose conduct is the subject of a complaint.
- 1.2.15. **Staff** means an employee of the CVRD.
- 1.2.16. **Vexatious** means a complaint is one that is pursued, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.
- 1.2.17. **Volunteer** means a person serving the CVRD who is not a Board Member or Committee member.

### 1.3. Application

- 1.3.1. This Policy applies to all Board, Committee and Commission Members.
- 1.3.2. This Policy does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in the CVRD's governance.
- 1.3.3. This Policy does not apply to Staff.

1.3.4. In the event of a conflict between this Policy and another CVRD Policy or Board Policy governing Member conduct, this Policy prevails.

1.3.5. In this Policy, a reference to a person who holds office includes a reference to the persons appointed to act for that person from time to time.

## 2. **STANDARDS AND VALUES**

### 2.1. **Foundational Principles**

These guiding principles provide a basis for how Members fulfill their roles and responsibilities, including their relationships with each other, Staff and with the public.

2.1.1. **Integrity**: being honest and demonstrating strong moral principles.

Members are expected to act with integrity by:

- i. Behaving in a manner that conforms to a high moral standard, promotes confidence in the CVRD, including actively avoiding Conflicts of Interest, improper use of office or unprofessional conduct.
- ii. Being truthful, honest and open in all dealings.
- iii. Upholding the public interest and making decisions in the best interests of the region.
- iv. Following through on commitments, engaging in positive communications with the region and correcting errors in a timely and transparent manner.
- v. Acting lawfully and within the *Community Charter, Local Government Act, Workers Compensation Act of B.C. and B.C. Human Rights Code*.

2.1.2. **Accountability**: an obligation and willingness to accept responsibility or to account for one's actions.

Members are expected to act with accountability by:

- i. Being transparent in how they individually and collectively conduct business and carry out their duties.
- ii. Ensuring information is accessible and that the public can view the process and rationale behind each decision and action while protecting confidentiality where appropriate or necessary.
- iii. Accepting that they are collectively accountable for CVRD decisions and that individual Members are responsible and accountable for the decisions they make in fulfilling their roles.
- iv. Listening to and considering the opinions and needs of the region in all decision-making and allowing for respectful discourse and feedback.

- 2.1.3. Respect: having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in regional district decision-making.

Members are expected to act with respect by:

- i. Treating every person, including other Members, Staff and the public, with dignity.
- ii. Showing consideration for colleagues and Staff.
- iii. Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- iv. Valuing the role of diverse perspectives and debate in decision-making.
- v. Acting in a way that is respectful of the roles and responsibilities of the Board Chair and the Board.
- vi. Valuing the distinct roles and responsibilities of CVRD Staff and the region in CVRD considerations and operations, and committing to fostering a positive working relationship between Staff, the public, Board, Committee and Commission Members.

- 2.1.4. Leadership and Collaboration: an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.

Members are expected to demonstrate leadership and collaboration by:

- i. Demonstrating behaviour that builds and inspires public trust and confidence in the CVRD.
- ii. Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and Staff to do the same.
- iii. Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
- iv. Accepting that it is the equal responsibility of the Board and Committee Members individually and collectively to work together to achieve common goals.
- v. Being an active participant in ensuring these Foundational Principles and the standards of conduct are followed.

## **2.2. Interpretation**

The standards and values contained within this Policy are to inform the interpretation of the substantive provisions of this Policy and are not to be standalone bases for Complaints.

## **2.3. Policy Training**

- 2.3.1. Staff shall make available, and Members shall attend and participate in annual Board, Committee and Commission Member Code of Conduct Policy training.
- 2.3.2. In extenuating circumstances, and on direction of the Board Chair, Staff shall make available alternate Board, Committee and Commission Member Code of Conduct Policy training opportunities to accommodate Member schedules and availability.

## **2.4. Policy Review**

The Board shall, in consultation with Staff, review and make revisions, as necessary, to this Policy within twenty-four (24) months after its first regular Board meeting following a general election.

## **2.5. Roles and Responsibilities**

- 2.5.1. The Board is the governing body of the CVRD. It has the responsibility to govern the CVRD in accordance with Part 6 of the *B.C. Local Government Act*. and other applicable legislation.
- 2.5.2. The Chair is the head and Chief Executive Officer of the CVRD and has a statutory responsibility to provide leadership to the Board and to provide general direction to Regional District Officers respecting CVRD policies, programs and other directions of the Board as set out in Part 6 of the *B.C. Local Government Act*.
- 2.5.3. Staff provide professional advice to the Board and carry out decisions in an effective, efficient and non-partisan manner. The CAO is the Board's one employee.

## **3. CONDUCT OF BOARD, COMMITTEE AND COMMISSION MEMBERS**

### **3.1. General Conduct**

- 3.1.1. A Member shall not:
  - i. Contravene this Policy, as amended from time to time;
  - ii. Contravene any other CVRD Policy, as amended or replaced from time to time;
  - iii. Contravene a law of British Columbia or Canada, including the *British Columbia Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;

- iv. Bully or Harass a Member, Staff, or Volunteer;
  - v. Defame a Member, Staff, or Volunteer.
- 3.1.2. A Member shall treat other Board Members, Committee Members, Staff, and Volunteers with respect and dignity.
- 3.1.3. A Board Member shall not:
- i. Breach their oath sworn upon taking office as a Board Member; or
  - ii. Abuse their office.

### **3.2. Interactions with Staff, Volunteers, and Committee Members**

- 3.2.1. A Member must direct inquiries regarding departmental issues or questions to the CAO, General Manager, or Manager of the appropriate division and refrain from contacting Staff directly unless the communication is minor and of a day-to-day operational nature.
- 3.2.2. Members must not interfere with, hinder or obstruct Staff, Volunteers or Committee Members in the exercise or performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Regional District Officers and Staff to implement Board policy decisions in accordance with Section 242 of the *B.C. Local Government Act*.
- 3.2.3. Members must not request or require Staff to undertake personal or private work on behalf of a Member.
- 3.2.4. If a Member has information about Staff or a Volunteer that the Member wishes to bring to the attention of the CVRD for the purposes of a review or investigation into the conduct or an omission of the individual, the Member may only do so by delivering the information in writing to the CAO. On receipt of such information, the CAO shall conduct a review or investigation and address the matter in accordance with the CVRD's employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.
- 3.2.5. Members must not make public statements or publish statements attacking Members, Staff, or Volunteers.
- 3.2.6. Information obtained by any Member, which is likely to be used in a Board or political debate, must be provided to all other Members and to the CAO.

### **3.3. Interactions with the Public and Media**

- 3.3.1. Members must not communicate on behalf of the CVRD unless authorized to do so by Board resolution or by virtue of a position or role the Member has been authorized to undertake by the Board.

- 3.3.2. Without limiting the ability of the Member to hold a position on an issue and respectfully express their opinions, a Member must:
- i. ensure that their communications relating to Board business are accurate and not issue any communication that the Member knows, or ought to have known, to be false; and
  - ii. ensure that all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, or defame any Member, Staff, or Volunteer.
- 3.3.3. Members are not to issue instructions to any of the CVRD's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.
- 3.3.4. Outside of a Board or Committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

### **3.4. Public Meetings**

- 3.4.1. A Member must act with decorum at Board and Committee meetings in accordance with CVRD Regional Board Procedures Bylaw No. 2889 and CVRD Committee and Commissions Procedures Bylaw No. 2922, as amended or replaced from time to time.

### **3.5. Collection and Handling of Information**

- 3.5.1. A Member must:
- i. Comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the CVRD;
  - ii. Comply with section 117 of the *Community Charter*, including by protecting and not disclosing publicly, Confidential Information;
  - iii. Only access information held by the CVRD for CVRD business, and not for personal purposes; and
  - iv. Not alter CVRD records unless expressly authorized to do so.

### **3.6. Use of Social Media**

- 3.6.1. The provisions of this Policy apply, without limitation, to the use of a Member's personal and official social media accounts.
- 3.6.2. Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings made by others on their behalf that violate the terms of this Policy.

### **3.7. Conflict of Interest**

- 3.7.1. A Member shall not participate in the discussion of a matter, or vote on a question in respect of that matter, where the Member has a Conflict of Interest.
- 3.7.2. In respect of each matter before the Board, a Member shall:
  - i. assess whether they have a Conflict of Interest, if necessary, with the advice of the Commissioner; and
  - ii. determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO approves the cost, with respect to any situation which may result in a Conflict of Interest.
- 3.7.3. If a Member believes they have a Conflict of Interest in respect of a matter in a Board or Committee meeting, the Member shall:
  - i. notify the Chair or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered, and the Member shall restate the Conflict of Interest each time the matter arises before the Board;
  - ii. refrain from discussing the matter with any other Member publicly or privately; and
  - iii. leave the meeting room if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

### **3.8. Use of Influence**

- 3.8.1. A Member must not attempt to influence a decision of the Board, a Committee, Regional District Officer, or Staff if the Member has a pecuniary Conflict of Interest in relation to that decision.
- 3.8.2. A Member must not use their office to provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties.
- 3.8.3. A Member must not intimidate, improperly influence, threaten, or coerce Staff.

### **3.9. Gifts and Personal Benefits**

- 3.9.1. A Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *B.C. Community Charter*.
- 3.9.2. A Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *B.C. Community Charter*, as per section 106 of the *Community Charter*.
- 3.9.3. Committee Members must comply with 3.9.1 and 3.9.2 as though they were Board Members.

## **4. COMPLAINT AND RESOLUTION PROCEDURES**

### **4.1. Board Members**

#### **4.1.1. Confidential Requests**

- i. After reasonable attempts have been made to first resolve issues directly among willing parties through respectful and open dialogue, if a Member or Staff believes that they have been subject to conduct by a Member in breach of this Policy, that person may approach the Commissioner on a confidential basis, without the need to file a Complaint, to request that the Commissioner inform the Board Member of the alleged breach. Upon receipt of the confidential request, the Commissioner may attempt to address the conduct with the Board Member.
- ii. The Commissioner must protect the confidentiality of a person making a request under 4.1.1(i) unless the person making the request consents to disclosure.

#### **4.1.2. Complaint Procedure**

- i. After reasonable attempts have been made to first resolve issues directly among willing parties through respectful and open dialogue, any Member or Staff may submit a Complaint to the Commissioner.
- ii. A Complaint must be in writing and describe with sufficient detail:
  - a) the name of the Complainant;
  - b) the name of the Respondent;
  - c) the conduct that the Complainant alleges to have breached the Policy;
  - d) the date of the alleged conduct;
  - e) the part or parts of this Policy that the Complainant alleges has or have been breached; and
  - f) the basis for the Complainant's knowledge about the conduct.
- iii. A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
- iv. The Commissioner may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.2 (ii) if, in the Commissioner's opinion, the circumstances warrant.
- v. The Commissioner must not accept multiple Complaints concerning the same matter. In the event that the Commissioner receives multiple Complaints concerning the same matter, the Commissioner must proceed with the first Complaint accepted but may expand the Complaint and/or add Complainants

for the purpose of conducting the investigation and preparing the investigation report.

- vi. The Commissioner must reject a Complaint received more than ninety (90) days after the Complainant knew or reasonably ought to have known of the alleged breach of this Policy. The Commissioner is authorized to extend this ninety (90) day deadline up to a further ninety (90) days if circumstances warrant an extension.
- vii. The Commissioner must reject a Complaint received regarding a Member seeking re-election in the period from the first day of the nomination period to the general voting day.
- viii. In the ninety (90) days prior to general voting day, the Commissioner may suspend any investigation underway.

#### 4.1.3. **Dismissal or Suspension of Complaint**

- i. If a Complaint is submitted that, on its face, is not made with respect to a breach of this Policy, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:
  - a) with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
  - b) with respect to non-compliance with a more specific Board policy or bylaw with a separate Complaint procedure; or
  - c) with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,

the Commissioner may reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the scope of this Policy or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and referrals the Commissioner thinks appropriate.
- ii. If the Commissioner, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the Criminal Code (Canada), the Commissioner must immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to the Board.
- iii. Where a Complaint is made against a Member who, during the course of the Complaint procedure, ceases to hold office, the Commissioner may close the Complaint and notify the Complainant and Respondent of this decision.

#### 4.1.4. Preliminary Assessment

- i. On receipt of a Complaint, the Commissioner must conduct a preliminary assessment, and if at that time, or any time thereafter, the Commissioner is of the opinion that:
  - a) the statement is not with respect to a breach of this Policy;
  - b) the Complaint is frivolous, vexatious, or not made in good faith;
  - c) the investigation is, or might be, hampered, or the Board Member might be prejudiced by the Complainant's failure to provide a Complaint in compliance with Section 4.1.2 (ii), or otherwise cooperate with the investigation;
  - d) the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or
  - e) there are no grounds or insufficient grounds for concluding that a violation of this Policy has occurred,

the Commissioner must notify the Complainant and the Respondent in writing that the Commissioner is closing the Complaint, set out the reasons therefore, and close the Complaint.

- ii. Notwithstanding Section 4.1.4 (i), the Commissioner may request further information from the Complainant before determining whether or not there are sufficient grounds for believing that a breach of this Policy may have occurred.

#### 4.1.5. Informal Resolution

- i. When the Commissioner has decided to proceed with a Complaint, the Commissioner must determine whether the Complaint requires a formal investigation or whether the Complaint may be resolved informally. In the latter case, the Commissioner may either attempt to resolve the Complaint directly or refer the Complaint to the CAO. In a scenario where the Complainant is the CAO, the Commissioner, pending willingness of the parties, shall attempt to resolve the complaint directly through an informal resolution process.
- ii. When determining whether the Complaint may be resolved informally, the Commissioner may consider culturally appropriate, or transformative or restorative justice approaches, and may engage a third party to assist the Commissioner for this purpose.
- iii. Where the Commissioner refers the Complaint in accordance with Section 4.1.5(i), the CAO may agree to assist in resolving the Complaint directly or may appoint a third party to assist in resolving the Complaint at their discretion.

- iv. The person assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an ongoing basis and may decline to assist at any point.
- v. The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- vi. If a Complaint is resolved informally, the person assisting in resolving the Complaint must notify the Commissioner in writing of the terms of the resolution, upon receipt of which, the Commissioner must close the Complaint.
- vii. If a Complaint cannot be resolved informally, the person assisting in resolving the Complaint must refer the Complaint back to the Commissioner for a formal investigation.

#### 4.1.6. **Formal Resolution**

- i. If a Complaint is not rejected, closed, or resolved informally, the Commissioner must proceed with a formal investigation.
- ii. The Commissioner must serve the Complaint on the Respondent with a request that the Respondent provide a written response to the Complaint together with any submissions the Respondent chooses to make within twenty-one (21) calendar days, subject to the Commissioner's discretion to extend the timeline.
- iii. The Commissioner may serve the Complainant with the Respondent's written response, together with any submissions, on a strictly confidential basis and request a reply in writing within twenty-one (21) calendar days, subject to the Commissioner's discretion to extend the timeline.
- iv. The Commissioner may:
  - a) speak to anyone relevant to the Complaint;
  - b) request disclosure of documents relevant to the Complaint; or
  - c) access any record in the possession or control of the CVRD, except a record that is subject to privilege.
- v. The Commissioner must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.
- vi. Notwithstanding 4.1.6(i), nothing prohibits the Commissioner from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.

- vii. If the Commissioner summarily dismisses a Complaint at the Formal Resolution stage, the Commissioner shall report to the Complainant and Respondent in the manner set out in 4.1.4(i).

#### 4.1.7. Adjudication and Reporting

- i. The Commissioner must decide within ninety (90) days of making the determination to proceed with a formal investigation unless the Commissioner determines that doing so is not practicable, in which case the Commissioner must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to thirty (30) days on the provision of written notice to the Complainant and the Respondent.
- ii. A notification issued pursuant to sections 4.1.3(i), 4.1.3(ii), 4.1.4(i), or 4.1.7(i) is confidential and must not be disclosed except in the following circumstances:
  - a) to the Board for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 4.4.2; and
  - b) the Respondent may disclose the fact that the Complaint has been closed or that a finding has been made that the Respondent did not breach this Policy.
- iii. If after reviewing all material information, the Commissioner determines that the Respondent did not violate this Policy, then:
  - a) the Commissioner must prepare a written investigation report providing reasons for their determination that the Member did not breach the Policy;
  - b) the Commissioner must deliver a copy of the investigation report or, where appropriate, a summary thereof, to the Complainant, Respondent and the Board; and
  - c) in consultation with Staff, the Commissioner shall produce a summary of the investigation report and, on Board resolution in compliance with the *Freedom of Information and Protection of Privacy Act*, make the summary report available to the public.
- iv. If after reviewing all the material information, the Commissioner determines that a Member did violate this Policy, then:
  - a) the Commissioner must prepare a written investigation report providing reasons for their determination that the Member breached this Policy;
  - b) the investigation report must make recommendations as to the appropriate sanction for the breach;
  - c) if the Commissioner determines that a Member did breach this Policy, but that the Member took all reasonable steps to prevent it, or that it was trivial

or done inadvertently or because of an error in judgment made in good faith, the Commissioner will so state in the investigation report and may recommend that no sanction be imposed;

- d) the Commissioner must deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and
- e) the Commissioner must deliver a copy of the investigation report to the Complainant and the Board forty-eight (48) hours after delivery of the investigation report to the Respondent.

#### 4.1.8. Report to the Public

- i. Where the Commissioner has determined that a Member did violate this Policy, after the Commissioner has delivered a copy of the investigation report to the Complainant and the Board, on Board resolution, the CVRD shall make the investigation report available to the public.
- ii. The CVRD will ensure that the investigation report complies with the CVRD's obligations regarding the disclosure of personal information set out in the *Freedom of Information and Protection of Privacy Act*, and ensure that appropriate redactions are applied prior to release to the public.

#### 4.1.9. Final Determination by the Board

- i. The Board must, within thirty (30) days of delivery of the investigation report pursuant to Section 4.1.7(iv)(e), or a longer period if approved by a 2/3 vote of the Board, decide on the appropriate measures, if any, that are warranted by the breach of this Policy, and will take such actions as the Board considers appropriate in the circumstances.
- ii. Prior to the Board making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- iii. While an investigation report provided to the Board may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when the Board deliberates and votes on the investigation report, on Board resolution, it will do so in a public meeting and the investigation report must be made available to the public in a form that complies with section 4.1.8 (ii).
- iv. Notwithstanding section 4.1.9(iii), the Board may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*.

#### 4.1.10. Remedies

- i. Sanctions that may be imposed for a violation of this Policy include the following:
  - a) a letter of reprimand from the Board addressed to the Member;

- b) a request from the Board that the Member issue a letter of apology;
- c) the publication of the letters contemplated in subsections (a) and (b), along with the Member's written response, if any;
- d) directions to the CAO regarding the provision of documents, including documents containing Confidential Information, to the Member;
- e) a recommendation that the Member attend specific training or counselling;
- f) limitations on access to certain CVRD facilities;
- g) suspension or removal of the Member from some or all Committees and bodies to which the Member was appointed by the Board;
- h) prohibition from representing the CVRD at events and/or attending conferences and seminars;
- i) suspension or removal of the appointment of a Member as the Vice Chair;
- j) public censure of a Member;
- k) Where a member of the Board has been found by an Integrity Commissioner or Ad Hoc Commissioner to have breached this Policy, the remuneration to which the Member would otherwise be entitled, shall be adjusted in accordance with the following:
  - i. where the Member has been found to have breached this Policy for the first time, the remuneration to which the Member would otherwise be entitled shall be reduced by 10% for a period of twelve (12) months from the date of the breach;
  - ii. where the Member has been found to have breached this Policy for a second time, the remuneration to which the Member would otherwise be entitled shall be reduced by 15% for a period of twelve (12) months from the date of the breach;
  - iii. where the Member has been found to have breached this Policy for a third or subsequent time, the remuneration to which the Member would otherwise be entitled shall be reduced by 25%, for a period of twelve (12) months from the date of the third or subsequent breach;
  - iv. for certainty, where a Member has been found to have breached the Policy more than once in a twelve (12) month period, the reductions in the remuneration to which the Member would otherwise be entitled shall be cumulative for any period of overlap in the duration of each reduction (e.g., if a Member is found to have breached the Policy on January 1 of a calendar year, and is subsequently found to have breached the Policy again on July 1 of that year) the remuneration to which the Member would otherwise be entitled shall be reduced by

10% from January 1 to June 30th of that year, by 25 % from July 1 to December 31 of that year, by 15% from January 1 to June 30 of the following year, and thereafter be fully reinstated.

- l) any other sanction recommended by the Commissioner, so long as that sanction is within the authority of the Board.

#### 4.1.11. Confidentiality of the Investigation

- i. The Commissioner must make all reasonable efforts to investigate Complaints in confidence.
  - a) The Commissioner and every person acting under the Commissioners' instructions must preserve confidentiality with respect to all matters that come into the Commissioner's knowledge in the course of any investigation or Complaint except as required by law.
  - b) An investigation report must only disclose such matters as, in the Commissioner's opinion, are necessary for the purpose of the investigation report.
  - c) At the conclusion of the process, the Commissioner will destroy all the notes that were taken throughout the process of the investigation.
- ii. Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Board Members, including in their capacity as Committee Members.

## 4.2. Committee Members

- 4.2.1. Alleged breaches of this Bylaw by Committee Members shall be submitted simultaneously in writing addressed to the Commissioner within (ninety) 90 days of the last alleged breach.
- 4.2.2. A Complaint must comply with the standards set out at section 4.1.1.
- 4.2.3. The Commissioner shall consider alleged breaches of this Policy by Committee Members and direct any enquiries they consider appropriate or desirable to be undertaken and recommend appropriate disciplinary action to the Board.
  - i. The Commissioner may recommend that the Board take any actions provided for in this Policy that the Commissioner considers reasonable in the circumstances.
  - ii. Where the Board finds that a Committee Member has breached this Policy, the Board may decide by resolution to:

- a) Require the Committee Member to apologize to any person adversely affected by the breach;
- b) Counsel the Committee Member;
- c) Terminate the Committee Member's appointment; or
- d) Implement such other measures as the Board deems appropriate.

### **4.3. Reprisals and Obstruction**

- 4.3.1. No Member, Committee Member, or Staff will obstruct the Commissioner in the carrying out of their duties or responsibilities.
- 4.3.2. No Member, Committee Member, or Staff will threaten or undertake any active reprisal against a Complainant or against a person who provides information to the Commissioner in the context of an investigation.
- 4.3.3. No Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Commissioner when questioned regarding an investigation.
- 4.3.4. Any individual covered by this Policy who is found to have engaged in any reprisal or retaliation in violation of this Policy will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above, or in the case of Staff, disciplinary action up to and including the termination of employment for just cause, as applicable.

### **4.4. Reimbursement of Costs**

- 4.4.1. A Member may make a request to the Board for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Policy. If appropriate, after considering all circumstances, the Board may resolve to reimburse legal fees reasonably incurred by a Member, provided that all of the following are met:
  - i. It is the Member's first formal complaint process; and
  - ii. The amount does not exceed \$10,000.

### **4.5. Vexatious Allegations and Complaints**

- 4.5.1. Any individual covered by this Policy who makes an allegation or Complaint under this Policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:
  - i. in the case of Board Members, sanctions and remedies described in Section 4.1.7.

- ii. in the case of Committee Members, termination of the Committee Member's appointment.
- iii. in the case of Staff, the termination of employment for just cause, as applicable.

Approved by: Board
Approval Date: June 14, 2023